



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/124,925

Group Art unit: 1745

Applicant: Koichi ASHIZAWA et al.

Examiner: T. Dove

Filed: July 29, 1998
ASHI3001/FJD

Attorney Docket:

Title: (As Amended) Current collector with penetrating holes of complicated shape for use in a secondary battery and manufacturing process thereof

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notification of Non-Compliance of the Appeal Brief (37 CFR 41.37) 37 CFR dated April 22, 2005 has been received.

In the Notification, it is stated that "... the brief does not contain a concise statement of each ground of rejection....," and specifically, "...under the heading 'ISSUES' the brief refers to a 35 USC 112, second paragraph rejection of claims 1, 2 and 4 because of the term 'complicated'. The claims on appeal (1, 2 and 4) do not contain the term 'complicated'. Applicant also presents arguments regarding the term 'complicated' in the 'ARGUMENTS' and 'SUMMARY' sections of the brief."

In fact the appealed claims (claims 1, 2 and 4) do include the term "complicated." This inclusion was forced upon applicant by the prosecution in this application. The term "complicated" was recited in the claims as filed. Several attempts were made by applicant to change "complicated" to "non-regular" but to no avail as the examiner argued that there was no support for the change in the specification. Applicant does not agree, but returned to the original wording because there was no option. If "complicated" cannot be recited, and "non-regular" cannot be used then what phrase will satisfy the examiner?


The appeal should continue with either phrase, the examiner should let the undersigned know which phrase is acceptable, and if neither phrase is acceptable, then

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what phrase is acceptable?

Date: June 22, 2005

Respectfully submitted,



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